

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

LIGHTHOUSE RESOURCES INC.;
LIGHTHOUSE PRODUCTS, LLC; LHR
INFRASTRUCTURE, LLC; LHR
COAL, LLC; and MILLENNIUM BULK
TERMINALS-LONGVIEW, LLC,

Plaintiffs,

and

BNSF RAILWAY COMPANY,

Plaintiff-Intervenor,

v.

JAY INSLEE, in his official capacity as
Governor of the State of Washington;
MAIA BELLON, in her official capacity
as Director of the Washington
Department of Ecology; and HILARY S.
FRANZ, in her official capacity as
Commissioner of Public Lands,

Defendants,

and

WASHINGTON ENVIRONMENTAL
COUNCIL, COLUMBIA
RIVERKEEPER, FRIENDS OF THE
COLUMBIA GORGE, CLIMATE
SOLUTIONS, and SIERRA CLUB,

Defendant-Intervenors.

NO. 3:18-cv-05005-RJB

STATE AND INTERVENOR
DEFENDANTS' STATUS
CONFERENCE STATEMENT

1 State Defendants Governor Jay Inslee *et al.* and Intervenor-Defendants Washington
 2 Environmental Council *et al.* (WEC) jointly submit this brief status conference statement in
 3 response to those filed by Plaintiff-Intervenor BNSF and Plaintiffs Lighthouse Resources *et al.*
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5 **A. BNSF Proposal Regarding Briefing Schedule**

6 BNSF's proposal would extend the current briefing schedule on State Defendants'
 7 Motion to Dismiss and Abstain to include application of the motion to BNSF. Although State
 8 Defendants and WEC do not agree with the reasons provided by BNSF for the further delay,
 9 defendants would generally agree to the schedule proposed by BNSF, subject to the following
 10 changes:

11 April 24, 2018: State and WEC separate supplemental briefs addressing BNSF's claims
 12 due.
 13

14 May 8, 2018: Lighthouse and BNSF separate oppositions due.

15 May 22, 2018: State and WEC separate replies due.

16 **B. Discovery and Other Court Deadlines**

17 State Defendants and WEC object to Lighthouse Resources' suggestion that discovery
 18 commence immediately. As the pending motion contemplates dismissal and abstention of all
 19 claims, it would be inefficient and confusing to allow discovery to go forward in the meantime.
 20 Discovery should not commence until after the Court has ruled on the pending motion, as
 21 supplemented to include BNSF above. Nor should other deadlines (such as deadline to file
 22

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1 answers) begin to run until after the Court rules and the parties have time to confer on further
2 scheduling issues.

3 DATED this 9th day of April 2018.

4
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6 Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2018, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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